IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

RCRev..No. 206 of 2007

RCA.40/2004 of RENT CONTROL APPELLATE AUTHORITY, ERNAKULAM
RCP.133/2000 of RENT CONTROL COURT, ERNAKULAM
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REVN.PETITIONER/RESPONDENT/RESPONDENT(TENANT)

R.GOPINATHA KAMMATH, AGED 63 YEARS,
S/O. RAYA KAMMATH, PROPRIETOR,
GOPINATH JEWELLERY, DOOR NO.40/2540,
BROADWAY, ERNAKULAM.

BY ADV. SRI.SHAJI P.CHALY

RESPONDENTS/RESPONDENTS/PETITIONERS (LANDLORDS)

1. K.N.MARZOOK, S/O. LATE C.K.KASMI,
   RATNAPURI, E.R.G.ROAD, ERNAKULAM.

2. K.M.SHAMSUDHEEN, S/O. LATE C.K.KASMI,
   RATNAPURI, E.R.G.ROAD, ERNAKULAM.

3. K.N.ABDUL GAFOOR, S/O. LATE C.K.KASMI,
   RATNAPURI, E.R.G.ROAD, ERNAKULAM.

4. K.N.FAJAR, S/O. LATE C.K.KASMI,
   RATNAPURI, E.R.G.ROAD, ERNAKULAM.

5. K.N.WAHEEDA, D/O. LATE C.K.KASMI,
   RATNAPURI, E.R.G.ROAD, ERNAKULAM.

6. MRS. NABEESA KASMI, W/O. LATE C.K.KASMI,
   RATNAPURI, E.R.G.ROAD, ERNAKULAM.

BY ADV. SRI.TOM K THOMAS

THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 13/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.Koshy & K.P.Balachandran, JJ.

R.C.R.No. 206 of 2007

ORDER

Balachandran, J.

The tenant, against whom concurrent orders of eviction were passed by the authorities below under Section 11(8) of the Kerala Buildings (Lease and Rent Control) Act, 1965 (hereinafter referred to as 'the Act'), is the revision petitioner. Though the counsel for the petitioner made strenuous efforts to convince us that grounds exist for this Court to interfere in revision, we are not convinced that there is any irregularity, illegality or impropriety in the concurrent orders of eviction passed by the authorities below under Section 11(8) of the Act. This revision, in the circumstances, is devoid of merit and deserves to be dismissed.

2. Finally, it is urged by the counsel for the petitioner that reasonable time may be granted to the petitioner to surrender vacant possession of

the scheduled building to the respondents/ landlords. The request so made on behalf of the petitioner is reasonable and deserves to be considered favourably.

In the result, we dismiss this Rent Control Revision. At the same time, we grant the petitioner time till 31.12.2007 to surrender vacant possession of the scheduled building to the respondents/ landlords on the following conditions:

i. that he shall deposit the entire arrears of rent, if any, in the execution court with a detailed statement as to its correctness within three weeks from today.

ii. that he shall file an affidavit before the execution court within one month from today, reporting that all arrears of rent are cleared and unconditionally undertaking that he will surrender vacant possession of the scheduled building to the respondents/landlords positively on or before 31.12.2007 and that he will continue to pay the

monthly rents on the due dates itself till he actually surrenders vacant possession of the scheduled building to the respondents/landlords and

iii. that in case the petitioner fails to comply with the above conditions, he shall not be entitled to the benefit of continuing in occupation of the scheduled building till 31.12.2007 and shall be liable to be evicted immediately on the expiry of the aforesaid one month in execution of the order of eviction passed against him.

(J.B.Koshy, Judge)

13th July, 2007

(K.P.Balachandran, Judge)

tkv